

MICHAEL N. FEUER, City Attorney
KATHLEEN A. KENEALY, Chief Assistant City Attorney (212289)
SCOTT MARCUS, Chief, Civil Litigation Branch (SBN 184980)
CORY M. BRENT, Senior Assistant City Attorney (SBN 115453)
CHRISTIAN R. BOJORQUEZ, Deputy City Attorney (SBN 192872)
200 N. Main Street, 6th Floor, City Hall East
Los Angeles, California 90012
Tel: (213) 978-7023; Fax: (213) 978-8785
Email: christian.bojorquez@lacity.org

Attorneys for Defendants CITY OF LOS ANGELES and JASON CURTIS

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DR. MELINA ABDULLAH,

Plaintiff,

vs.

CITY OF LOS ANGELES; CHARLES
LLOYD BECK; JASON CURTIS; and
DOES 1 through 20, Inclusive,

Defendants.

Case No. CV20-01329 SVW (MAAx)

Hon Judge: Stephen V. Wilson; Crtm 10A

Hon Magistrate Judge: Maria A. Audero

**DEFENDANTS CITY OF LOS
ANGELES AND JASON CURTIS'
ANSWER TO PLAINTIFF'S
COMPLAINT FOR DAMAGES;
DEMAND FOR JURY TRIAL**

COMES NOW Defendants CITY OF LOS ANGELES and JASON CURTIS,
answering Plaintiff's Complaint for Damages for themselves and for no other party,
admit, deny and allege as follows:

I.

INTRODUCTION

1. Answering paragraph 1, no factual allegations are made therein, and on that
basis the paragraph goes unanswered.

1 **II.**

2 **PARTIES**

3 2. Answering paragraph 2, no factual allegations are made therein, and on that
4 basis the paragraph goes unanswered.

5 3. Answering paragraph 3, no factual allegations are made therein, and on that
6 basis the paragraph goes unanswered.

7 4. Answering paragraph 4, no factual allegations are made therein, and on that
8 basis the paragraph goes unanswered.

9 5. Answering paragraph 5, no factual allegations are made therein, and on that
10 basis the paragraph goes unanswered.

11 6. Answering paragraph 6, no factual allegations are made therein, and on that
12 basis the paragraph goes unanswered.

13 7. Answering paragraph 7, no factual allegations are made therein, and on that
14 basis the paragraph goes unanswered.

15 8. Answering paragraph 8, Defendants lack sufficient information and belief
16 upon which to answer the allegations contained therein, and on that basis deny the
17 allegations.

18 **III.**

19 **JURISDICTION**

20 9. Answering paragraph 9, no factual allegations are made therein, and on that
21 basis the paragraph goes unanswered.

22 10. Answering paragraph 10, no factual allegations are made therein, and on
23 that basis the paragraph goes unanswered.

24 **IV.**

25 **FACTS COMMON TO ALL CAUSES OF ACTION**

26 11. Answering paragraph 11, which incorporates by reference the allegations of
27 other paragraphs of the pleading, Defendants to the same extent incorporate by reference
28 the answers provided herein to those paragraphs.

1 12. Answering paragraph 12, Defendants lack sufficient information and belief
2 upon which to answer the allegations contained therein, and on that basis deny the
3 allegations

4 13. Answering paragraph 13, no factual allegations are made therein, and on that
5 basis the paragraph goes unanswered.

6 14. Answering paragraph 14, no factual allegations are made therein, and on that
7 basis the paragraph goes unanswered.

8 15. Answering paragraph 15, no factual allegations are made therein, and on that
9 basis the paragraph goes unanswered.

10 16. Answering paragraph 16, no factual allegations are made therein, and on that
11 basis the paragraph goes unanswered.

12 17. Answering paragraph 17, Defendants lack sufficient information and belief
13 upon which to answer the allegations contained therein, and on that basis deny the
14 allegations.

15 18. Answering paragraph 18, no factual allegations are made therein against
16 Defendants, and on that basis the paragraph goes unanswered.

17 19. Answering paragraph 19, Defendants lack sufficient information and belief
18 upon which to answer the allegations contained therein, and on that basis deny the
19 allegations.

20 20. Answering paragraph 20, Defendants lack sufficient information and belief
21 upon which to answer the allegations contained therein, and on that basis deny the
22 allegations.

23 21. Answering paragraph 21, Defendants lack sufficient information and belief
24 upon which to answer the allegations contained therein, and on that basis deny the
25 allegations.

26 22. Answering paragraph 22, Defendants lack sufficient information and belief
27 upon which to answer the allegations contained therein, and on that basis deny the
28 allegations.

VI.

FOR THE SECOND CAUSE OF ACTION

**(DR. MELINA ABDULLAH AGAINST DEFENDANTS CITY, CURTIS, And
DOES 1 Through 15 for MALICIOUS PROSECUTION 42 USC Section 1983)**

31. Answering paragraph 31, which incorporates by reference the allegations of other paragraphs of the pleading, Defendants to the same extent incorporate by reference the answers provided herein to those paragraphs.

32. Answering paragraph 32, no factual allegations are made therein, and on that basis the paragraph goes unanswered.

33. Answering paragraph 33, Defendants lack sufficient information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.

34. Answering paragraph 34, Defendants lack sufficient information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.

35. Answering paragraph 35, Defendants lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.

36. Answering paragraph 36, Defendants lacks sufficient information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.

37. Answering paragraph 37, Defendants lack sufficient information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.

38. Answering paragraph 38, Defendants lack sufficient information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.

39. Answering paragraph 39, no factual allegations are made therein, and on that basis the paragraph goes unanswered.

VI.

FOR THE THIRD CAUSE OF ACTION

**(DR. MELINA ABDULLAH AGAINST DEFENDANTS BECK, And DOES 16
Through 20 For CONSTITUTIONAL SUPERVISOR LIABILITY
42 USC Section 1983)**

40. Answering paragraph 40, which incorporates by reference the allegations of other paragraphs of the pleading, Defendants to the same extent incorporate by reference the answers provided herein to those paragraphs.

41. Answering paragraph 41, Defendants lack sufficient information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.

42. Answering paragraph 42, Defendants lack sufficient information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.

43. Answering paragraph 43, Defendants lack sufficient information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.

44. Answering paragraph 44, Defendants lack sufficient information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.

45. Answering paragraph 45, Defendants lack sufficient information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.

46. Answering paragraph 46, Defendants lack sufficient information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.

1 47. Answering paragraph 47, no factual allegations are made therein, and on that
2 basis the paragraph goes unanswered.

3 **AFFIRMATIVE DEFENSES**

4 As separate and distinct affirmative defenses, Defendants allege each of the
5 following:

6 **FIRST AFFIRMATIVE DEFENSE**

7 As to the federal claims and theories of recovery, these answering Defendants are
8 protected from liability under the doctrine of qualified immunity, because Defendants'
9 conduct did not violate clearly established statutory or constitutional rights of which a
10 reasonable person would have known.

11 **SECOND AFFIRMATIVE DEFENSE**

12 Defendant City of Los Angeles and all Defendants sued in their official capacities
13 are immune from the imposition of punitive damages.

14 **THIRD AFFIRMATIVE DEFENSE**

15 Neither a public entity, nor a public employee, is liable for his/her act or omission,
16 exercising due care, in the execution or enforcement of any law.

17 **FOURTH AFFIRMATIVE DEFENSE**

18 Wrongful act of Plaintiff or others. Any injury or damage suffered was due to or
19 caused solely by reason of Plaintiff's wrongful acts and conduct, and not by reason of any
20 wrongful acts or omissions of Defendants.

21 **FIFTH AFFIRMATIVE DEFENSE**

22 The action is barred by the doctrine of res judicata.

23 **SIXTH AFFIRMATIVE DEFENSE**

24 Failure to Mitigate Damages: Plaintiff has failed to take reasonable measures/
25 action to avoid the injuries/damages alleged in his Complaint, and thus any recovery
26 should be reduced accordingly.

27 ///

1 **SEVENTH AFFIRMATIVE DEFENSE**

2 Defendant alleges that Plaintiff are bound to exercise reasonable care and
3 diligence to avoid loss and to minimize damages complained of, if any, and Plaintiffs
4 may not recover for losses that could have been prevented by his reasonable efforts or by
5 expenditures that he might have reasonably made; and that Plaintiff failed to mitigate his
6 damages, if any there were.

7 **EIGHTH AFFIRMATIVE DEFENSE**

8 Unavoidable Detriment: To the extent that Plaintiff suffered any detriment or
9 injury, such detriment or injury was unavoidable.

10 **NINTH AFFIRMATIVE DEFENSE**

11 If there was a violation, Defendants are entitled to qualified immunity because
12 their conduct was reasonable based upon the information that they possessed. They
13 reasonably believed “in good faith” that what they did was lawful and appropriate, and
14 relied upon information provided to them. Moreover, they acted under a reasonable,
15 even if mistaken, belief that what they did was reasonable, appropriate and lawful.

16 **DEMAND FOR JURY TRIAL**

17 Defendants hereby demand and request a trial by jury in this matter.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 WHEREFORE, Defendants pray for judgment as follows:

- 2 1. That plaintiff take nothing by this action;
- 3 2. That the action be dismissed;
- 4 3. That Defendants be awarded costs of suit;
- 5 4. That Defendants be awarded other and further relief as the Court may
- 6 deem just and proper, including an award of attorney's fees pursuant to 42 U.S.C. § 1988.

7

8 DATED: March 13, 2020

MICHAEL N. FEUER, City Attorney
KATHLEEN A. KENEALY, Chief Assistant
SCOTT MARCUS, Chief, Civil Litigation Branch
CORY M. BRENTÉ, Senior Assistant City Attorney

11 By: /s/ Christian R. Bojorquez

12 CHRISTIAN R. BOJORQUEZ, Deputy City Attorney

13 Attorneys for Defendants CITY OF LOS ANGELES and

14 JASON CURTIS

15

16

17

18

19

20

21

22

23

24

25

26

27

28